# BOYD-THAYER CASE ARGUED.

Nebraska's Gubernatorial Contest Finally Submitted for Adjudication.

NO DECISION EXPECTED BEFORE JANUARY.

Exhaustive Review of the S tuation-Appearances of the Justices During the Hearing-Theories on the Subject.

Washington, D. C., Dec. 8.-[Special Telegram to THE BEE. |- Into the bands of the supreme court of the United States the question of who is rightfully governor of Nebraska was placed this afternoon. The arguments in the case occupied just four hours. Opinion is divided tonight among those who had attended the court as to whether Boyd or Thayer will win. Three or four of Nebraska's most eminent citizens, who are not interested directly in the case, but heard all the arguments and watched the expressions on the faces of the justices of the supreme court, expressed the opinion tonight that Thayer will not be disturbed in his position. One distinguished Nebraskan expressed the belief, however, that after the arguments of Cowin and Estabrook, the supreme court could not fail to declare Boyd

There was little new matter injected into the arguments. The statements on both sides of the case are mostly familiar to Tue BEE readers. The real new features were presented by Henry D. Estabrook, attorney for Boyd, who presented his "doctrine of relationship." During the presentation of the points which Mr. Estabrook sets forth is his brief he was frequently interrupted by members of the bench, especially Associate Justice Field, who is a well known democrat and one of the ablest of this distinguished body of nine jurists.

Much Interest Manifested. Justice r'ield and his associates contended against the points of relationship made by

Mr. Estabrook in such a way as to Indicate that the argument took root and was baving a disturbing effect within the minds of the bench. At the same time there were those who watched and heard the proceedings that they believed the justices were being disturbed in a frame of mind which they had proviously formed. In a word, Mr. Estabrook's argument was to the point that the father of Mr. Boya, having fulfilled all the requirements of citizenship except the procurement of the second issue of papers, the son had inherited citizenship, especially in view of the fact that he had for very many years never been disturbed in office holding and other capacities in his unques-tioned right to citizenship.

The argument was opened by General J. C. Cowin, attorney for Boyd. His presentation consisted largely in citations of constitutional and other provisions under which Mr. Boyd had become a citizen by the natural operation of time and the exercise of rights in the duty of public office and citizenship. He argued with great force the claim that the admission of the territory of Nebraska into statchood made each inhabitant of the territory a citizen of the United States as well as of the state of Nebraska.

#### Mr. Webster's Effort.

John L. Webster followed Mr. Estabrook, and opened his argument with a compre-bensive statement of the case and the circumstances which brought it before the sufirst argument in favor of Governor close attention was paid to Mr. Webster's statement of facts as well as his logic and the Inferences which he drew. His orief covers 107 pages of closely printed matter and was prepared with the assistance of John F. Dillen, the well known lawyer.

It embraces a great number of citations from the constitution of the United States, the constitutions of various states and territories, federal statutory laws and decisions of the supreme and state courts, to the point that aliens cannot become citizens of the United States except through the one process making declaration and taking out

naturalization papers.

Inasmuch as the four hours allotted to the arguments was equally divided between the two sides. Mr. Webster only made a cursory review of the statements in his brief. There probably never was a more comprehensive or more elaborate aggregation of law and prin-ciple to cover a single point of citizenship than was presented in the Dillon-Webster brief. The English, French and other early laws were searched for corroborative prin

ciples.

Judge Dillon's Argument. Judge Dillon followed Mr. Webster Governor Thaver. His argument was oral and impromptu, but in the same general in as that entered by Mr. Webster as that entered by Mr. Webster.
Judge Dillon took up the threads on
the general principle that citizenship
is either inherent or can only be acquired, if Webster. not by inherent right, through the only gate way laid down in the constitution, namely, the declaration of citizenship and the procurement of primary and final citizenshir papers. Neither of these, he declared, had lovernor Boyd acquired and since the father had not become a citizen, the son had no ground upon which to claim citizenship. He contended with great force that the mere fact of the father having taken the initiative steps to become a citizen could not be used as an earnest on the part of the son to become a citizen. Citizenship could not be pressed upon one except through the inherent process-that of being born by a parent who

Ex-Attorney General Garland, attorney for Governor Boyd, closed the entire argument and when he had finished at 10 o'clock the case was in the hands of the supreme court. There was little new in the argument of Attorney General Garland. The trend of his thought was in the direction pursued by General Cowin, that leading to inherited

# citizenship through the citizenship parentage.

Where Speaker Crisp Came In. There was one new feature in the argu-ment of Attorney General Garland apropos of today's proceedings in the house. He pointed out the fact that Speaker Crisp was the son of an alien Englishman who had taken up residence but had not secured citizenship in this country, also the fact that Crisp was born in England during a visit to that country by his parents. The citizenship of Crisp, through the long residence of his parents in this country, had never been ever them one although it was the parents of the country. never been questioned, although it was not a matter of record that either the father or the son had taken out naturalization papers or declared themselves as desirous of citizen-

thin, The argument of General Garland was principally consumed in citation of decisions of district and circuit federal courts as well as state courts to the point that citizenship may be inherent from alien parents and that long residence naturally operated to secure one citizenship, whether or not he pursued the line laid down in the constitution A decision in the case is not expected till

some time in January.

# NATIONAL BAR ASSOCIATION,

Fininent Men of the Legal Profession Will Meet Tomorrow. WASHINGTON, D. C., Dec. 8.—The fourth annual meeting of the National Bar association will begin in this city tomorrow morn-

ing and will continue for three days. The association, whose birthplace was in this city, was formed for the purpose of uniting the bar associations of the country in practice work and promoting the science of the law and the due administration of justice. It is purely representative in its membership, composed of delegates chosen from bar associations. One event that will help make this meeting notable will be the pres-

ence for the first time of delegates from the Boston Bar association.

The program for tomorrow includes an ad-dress of welcome by Mr. Justice Harlan of the supreme court and the annual address of the president, Mr. Charles Marshal of Balti-The dinner to the delegates on Thursday evening at the Arlington will be the occasion of a most distinguished gathering. There will be but four toasts. The president or

one of his cabinet will respond to the first toast, "The President," Mr. Justice Gray, of the supreme court of the Unite! States, will respond to "The Congress," and Mr. James C. Carter of New York will respond to "The Bar." It is expected that about 150 will attend the dinner, including nearly all the justices of the supreme court, the court of claims, the district courts, the members of the cabinet, senators and representatives, public officials and distinguished representatives of the bar.

#### RECENT ARMY ORDERS.

Changes of Interest in the Regular Service Yesterday.

Washington, D. C., Dec. 8.-[Special Telegram to THE BEE. ]-The following army orders were issued today:

Leave of absence for ten days to take effect n or about December 21, is granted First Lieutenant Parker W. West, Third cavalry Leave of absence for three months and fifteen days is granted Second Lieutenant William P. Wilder, Nineteenth infantry. The following transfers in the Third artillery are made: Second Lieutenant John K. Cree, from outtery A to battery B; Second Lieutenant James Hamilton, from battery B to battery A. Lieutenant Hamilton will join the battery to which he is transferred. Captain Ezra P. Ewers, Fifth infautry will repair to New York City and report in person to the superintendent of the recruiting service for assignment to duty at David's island, New York harbor. This detail is made with a view to a tour of duty for detail is made with a view to a tour of duty for two years. First Lieutenant George Andrews, Twenty-fifth infantry, will, as directed in telegram of this date, proceed to Fort As-sinaboine, Mont., and report in person to Lieutenant Colonel John C. Bates, Twentieth infantry, president of the examining board convened at that post, for examination by the beard as to his fitness for promotion, and on the conclusion of his examination will return

to his proper station. Lieutenant Colonel Francis H. Parker, Lieutenant Colonel Francis H. Parker, ordnance department, is detailed as a member of the board of ordnance officers, appointed by War department order of July 22, 1884, for the purpose of testing rifed cannon, vice Major George W. McKee, ordnance department, deceased. Major James W. Reiney, ordnance department, is detailed as a member of board of officers convened November 24 at the army building, New York City, to consider and recommend a suitable magazine system for rifles and carbines for the military service, vice Major George W. McKee, ordnance device Major George W. McKee, ordnance de-partment, deceased. Major Richard S. Vick-ery, surgeon, is detailed as a member of the examining board at Fort Monroe, Va., con-vened Feuruary 24, 1891, vice Major Curtis E. Munn, surgeon, hereby relieved.

WHY THEY DIDN'T FORE FOR CRISP.

Congressmen Hoar and Williams

Opposed to Free Coinage. WASHINGTON, D. C., Dec. 8 .- Mr. Sherman toar of Massachusetts when asked why he did not vote for speaker on the roll call today said: "Last fall, in an interview which I had during our campaign in Massachusetts, I stated that in the coming contest for the speakership I would vote for no candidate who would not promise to use his influence, if elected speaker, against the consideration of bad fluancial legislation and the extension nothing left for me to do but to refrain from voting for him. Having gone into the caucus I did not care to vote for any one else but its nominee, but I could not vote for him and keep my word. In my judgment, however, he will do exactly what he refused to promise to do, namely, use his influence as speaker against the consideration of measures looking to the extension of the coinage of sliver. I feel fairly sure that such will be his action, but, as I could not get his promise, he could not get my vote."

Representative Williams of Massachusetts, when asked why be did not vote for Mr. Crisp, said: "I did not vote on the roll call for speaker for the sole reason that I could not do so and keep faith with the people of Massachusetts. In the last campaign I took the position distinctly that I would not support any man for the speakership who did not express himself in favor of the sup-pression of free comage legislation in this ongress. Mr. Crisp has not so expressed himself, though opportunity has been given him to do so. He remains silent on the question, as he has no right to do. It is plain that promises to the people on which votes are sought are a primary obligation caucus can find no fault that I refused to cast my vote, and if there is any such caucus law as that I will keep out of caucuses

#### FIGURES FROM THE CENSUS BUREAU Transportation by Water on the Pacific Coast.

WASHINGTON, D. C., Dec. 8 .- The census bureau today issued a bulletin on the subject of "Transportation by Water on the Pacific Coast, Considered as an Industry." The in-formation furnished relates to the business of the transportation by water as carried on in 1889 by all craft of over five tons registered in the ports of California, Oregon and Washington. The information is given in detail in fifteen tables, from which the following summary, showing the number, value and opera tions of the steamers, sailing vessels and barges, reported in the census schedules, is drawn: Total of craft, 1.842; value, \$23,067,-370; freight movement by tons, 8,818,363 gross earnings, \$20,628,816; expenses, \$17. 74,809.

# WANTS RECIPROCITY.

British West Indies Willing to Make a

Treaty With America. WASHINGTON, D. C., Dec. S .- The British mmissioners of the West Indies were in onference with Secretary Blaine for several hours today with a view to the estabdishment of reciprocal relations with the United States. It is understood that considerable progress was made towards an agree-ment for commercial reciprocity under the provisions of the tariff act, and that there is every prespect of a favorable conclusion on the subject before the close of the present

Decided a Townsite Case. WASHINGTON, D. C., Dec. 8.-Secretary Noble today rendered a decision in the case of the heirs of William Bond and others against the Doming, N. M., new townsite. The secretary sustains the decision of the commissioner of the general land office, allowing the probate judge of Grant county to enter all the land in question as the townsite of Deming, in trust for the several uses and benefits of its occupants according to their respective interests. This claims of Bord Kinder and the additional homestead claimants are registered.

# Congratulating Crisp.

Washington, D. C. Dec. 8.—Speaker Crisp has received several hundred congratulatory telegrams from all parts of the country. In no case did the enthusiasm run quite as high or seem quite as exuberant as in the messages from his fellow cizens of Georgia. From Americus, Crisp's home, a dozen par-ticularly excited friends telegraphed that they had locked the sheriff in jall in order that the jubilation in the town might run its uninterrupted course.

Brief Meeting of the Cabinet. Washington, D. C., Dec. 8.—The cabinet short one. The state, war and treasury de last named pariments were not represented. met today as usual, but the session was a

### MILLS MAD AND MAY RESIGN.

Rumer That the Defeated Candidate Will Quit His Congressional Seat.

THEN HE WILL TRY FOR THE SENATE.

Program Prepared by the Democratic Caucus Carried Out in the House -Senatorial Contests Referred to Committee.

WASHINGTON, D. C., Dec. 8 .- [Special Telegram to THE BEE. ]-It is rumored here today that Roger Q. Mills, on account of his defeat for the speakership, will resign his seat In the house and enter at once upon a canvass for the senatorship to become vacant at the expiration of Senator Chilton's term, one year from next March. Mr. Mills is not in a humor to talk with newspaper men today, so a confirmation of this story could not be obtained from him.

#### ORGANIZATION OF THE HOUSE,

Crisp Formally Elected Speaker and Briefly Expresses His Thanks.

WASHINGTON, D. C., Dec. 8,-When the house convened this morning there was a large crowd present. At noon Clerk Mc-Pherson called that body to order, and on motion of Mr. Holman the election of speaker was proceeded with.

Mr. Holman placed in nomination Charles F. Crisp of Georgia. Mr. Henderson of Illinols nominated

Phomas B. Reed. [Applause on the republican side.] Mr. Simpson of Kansas nominated Thomas

C. Watson of Georgia. Tellers were appointed and the balloting commenced. The roll call resulted: Crisp,

228; Reed, 83; Watson, 8. Mills and Springer were heartily applauded when they recorded their votes for Mr. Crisp. The clerk having announced the result, he

declared Mr. Crisp duly elected speaker amid applause. The clerk then appointed Messrs. Mills and Reed a committee to escort the newly elected speaker to the chair. In a few minutes Mr. Crisp entered with Messrs, Mills and Reed supporting him on either arm, and his march down the aisle was a perfect ovation. When quiet was se-

cured Mr. Crisp said:

cured Mr. Crisp said:

Gentlemen of the House of Representatives:
For the great honor you have conferred upon
me. I return heartfelt thanas. I shall endeavor to discharge the office of speaker with
courtesy, with firmness and with absolute impartiality. [Applause.] Let us unite in the
hope that our labors here may result in the
advancement, prosperity, the honor and glory
of our beloved country. [Applause.] I am
now ready to take the oath of office.

The oath of office having been administered by Mr. Holman of Indiana, the work of tered by Mr. Holman of Indiana, the work of swearing in the members of the Fifty-sec-ond congress began. When this was con-cluded a resolution for the appointment of Kerr for cierk, Yoder for sergeant-at-arms, Turner for doorkeeper, and Dalton for post-

master, was presented. Mr. Henderson of Illinois offered as a substitute a resolution for the appointment of the present officers, with the exception of chaplain, for which office Charles B. Rumsdell was named. This was disagreed to. Mr. Holman's resolution was agreed to with an amendment offered by Mr. Springer, for the appointment of William H. Milburn as chapiain. The newly elected officers were then sworn in and a resolution was adopted the candidate of the party I went to him and asked him to give me this promise, which he declined to uo. There was then be declined to uo. There was then Breckinging of Kentucky as a consistent and a resolution was adopted directing the clerk to inform the president of the election of speaker and clerk. The speaker appointed Messrs, Blount, Reed and Breckingings of Kentucky as a consistent and a resolution was adopted directing the clerk to inform the president of the party I went to him and a resolution was adopted directing the clerk to inform the president of the party I went to him and a second directing the clerk to inform the president of the party I went to him and a resolution was adopted directing the clerk to inform the president of the election of speaker and clerk. oin a similar one from the senate to inform the president that congress was in session

with a quorum present.
A resolution was adopted directing the speaker to appoint committees on rules, accounts, enrolled bills and mileage, each to consist of the same number of members as in the Fiftieth congress, and referring the rules of the last congress to the committee on It was ordered that the daily hour of the

neeting of the house shall be 12 o'clock. The house then proceeded to the drawing for seats. A resolution, the effect of which was to permit Messes. Reed, Holman and O'Neill of Pennsylvania to select their seats n advance, was adopted. At the conclusion of roll call the house adourned.

WASHINGTON, D. C., Dec. S .- In the senate mmediately after the reading of the journal, the oaths were administered to Messrs. Jones of Arkansas (re-elected), Dubois of Idaho and Call of Florida. The papers in the matter of the credentials of Mr. Davidson (claiment for Call's seat), were referred to the committee on privileges

and elections without instructions to report at an early day. A like reference was made of the papers in the case of Mr. Claggett, claiming the seat of Mr. Dutois.

The senate then took a recess till 2 p. m Another recess was taken to 3 o'clock after

the appointment of Sherman and Harris as a committee to join the house committee in a visit to the president. At 3:20 the senate adjourned until tomor

# SENATE COMMITTEES.

Vacancies to Be Filled-A Task of Some Difficulty. Washington, D. C., Dec. 8 .- The demo

ratic senators at a caucus this morning manimously re-elected Senator Gorman chairman, and Senator Faulkner secretary of the caucus for the ensuing term of congress.

A committee was appointed to fill the vacancies in the minority representation upon the various committees, after which the caucus adjourned without considering any other matters whatever.

The senate caucus committee charged with a rearrangement of the senate committees had a short meeting today. It was agreed that efforts should be made to learn the individual wishes of the republican senators upon the question of their assignment, and letters of inquiry have been addressed to such senators as have not yet orally expressed their preferences. The committee assumed a task of greater

magnitude than usual in such eases. Serious inroads have been made by death, resignation and failure in the ranks of the senate as it stood at the close of the Fifty-first gress. In the forty-two standing and teen select committees there are no less than seventy-two vacancies, including six chair-manships in the list of standing committees, and one in the list of select committees. Singularly enough the best and worst showing in this respect is made in the case of the more important committees of the senate. The committee on finance retains every one of its thirteen members, while

Senator Sherman's committee on foreign re 22,233 claims allowed, 15,060 were under the act of June 27, 1890. lations has lost five of its nine senators. committees on the judiciary, education and labor and on District of Columbia have each lost three members including the chairman. Pensions, woman's suffrage, the World's fair and the United States university committees have also lost three in their membership. Civil serious and the control of the columbia of the colu vice, coast defenses, examination of the civi service, Mississippi river improvements, in terstate commerce, postoffice, private land claims, privileges and elections, mines, revo-lutionary claims, Nicaraguan claims, Potomac river front claims, irrigation and epi-demic discases have lost two members in each case. The loss of the committees on appropriations, census, enrolled bills flab-eries, immigration, Indian affairs, military affairs, revision of laws, organization of the executive departments, patents, public build-ings, reliroads, library accommodations, meat gress.

committees, apart from that on finance, which have no vacancies are: Contingent expenses, engrossed bills, commerce, naval affairs, printing, public lauds, rules, territories, transportation routes, civilized Indians, Pacific railroads, relations with Canada and administrative service, Of the total number of vacancies in the committees, presuming that the select committees are to be continued in existence, the regulations

OMAHA, WEDNESDAY MORNING, DECEMBER 9, 1891

be continued in existence, the republicans will be entitled to fill forty-three and the democrats twenty-nine.

When the house committees on election is appointed and proceeds to consider the contested election cases which will come before tested election cases which will come before it for the first time, it will have as a basis a digest of the reports, testimony and legal questions relative to elections which came before previous congresses. This digest is intended by Mr. Chester H. Rowell, the clerk of the elections committee, who worked on it during the recess, to assist the members in reaching an invarial conclusion. members in reaching an impartial conclusion touching the law and precedents applicable to any election contest. The older members of the senate are familiar with election precedents and well informed on most questions at issue, and a record of all important senate cases has been made. In the house, however, no digest has been prepared, owing, in part, to the greater number of contests and the voluminous testimony taken in each, and as the complexion of the house changes frequently, the result has been that members have often acted with only an imperfect knowledge of the laws and precedents, the result being confusion and lack of anything like a uniform policy in dealing with cases involving the rights of members to their

The caucus committee will be guided in its work by the well established practice of promoting to chairmanships, where vacancies exist, the senior senator in point of service. RECEPTION OF THE LEADERS.

seats.

# Scenes on the Floor of the House

Simp on Creates a Smile. WASHINGTON, D. C., Dec. 8.-The excited feeling which was so apparent throughout the speakership contest had no part in the proceedings of the house today. When Mc-Millin appeared on the floor this morning, many members who had not been with him in the fight rushed up to shake his hand and o tell him that he had made a good stand

against the inevitable.

Mr. Springer had on his coat lapel a bright scarlet pink which had been the emblem of his campaign and upon his face a smile. Having cast his vote and his influence to Mr. Crisp he was in high favor with the victors and his smile broadened into a glow of good humor as ne mingled among his fellow memoers. Mr. Mills came in late and quietly took

sent among the men who fought and fell with him. Mr. Crisp reached the cripital before o'clock and was at once installed in the speaker's room, where he was soon sur-rounded by members, though his room was at

no time crowded and there was no noisy rejoicing.
The chief anxiety of most of the members has suddenly turned from the great contest to the question of committee assignments and general house organization. When the nominations for speaker were made in the bouse this morning that of Mr. Reed was the only one greeted with applause, Jerry Simoson, acting for the farmers alli-ance party of nine, nominated Mr. Watson,

of Georgia, and a smile spread over the ouse. When Judge Holman placed Judge Crisp in nomination the democrats reserved their ap-plause for the moment when he should be de-clared elected and be escorted into the

house. But, at the name of Reed, the eighty-three republicans made all the noise consistent with their number, and their votes were all cast in a pecularly loud voice, to show that they were there.

During roll call Mr. Mills stood back behind the rail on the democratic side, straight-ened up to his full stature, and when his name was called voted with his usual depth of voice and earnestness of manner. Messrs. Hoar a illiams of Massachusetts were Mr. Mills' most active workers, did no

The silence on the democratic side re mained unbroken while the tellers counted the vote: Crisp, 238; Reed, 83, and Watson , but when the clerk announced that Mr Crisp was elected speaker a wild burst of applause filled the nouse. Mr. Milis and ex-Speaker Reed were ap-

pointed to conduct the speaker to the chair. On his appearance in the hall all the members stood in their places clapping their hands and cheering.
The scramble after the minor offices began n earnest as soon as the names of the chosen

officers were known. Enough applicants to crowded the capitol building today and an immense amount of wire pulling is being done.

#### ANTI-SUBTREASURY ALLIANCE. Postponement of Date of Meeting

of Its National Convention. WASHINGTON, D. C., Dec. S .- W. S. Mc-Allister of Mississippi, chairman of the national executive committee of the antisubtreasury alliance, who has been making a tour of the states where his party is strongest. found awaiting him here letters from his fellow committeemen urging Lim to postpone the date for a national convention, called to meet at Memphis, Tenn., December 16. This call was issued from Indianapolis upon the refusal of the supreme council, after a lengthy debate to receive the protest of the anti-subtreasury party and make the same a part of the record. It had previously been determined, in the event of such action by the supreme council, to perfect a distinct organization with the object of restoring the armers alliance to its original state of idelity to its constitution.

The proposition to postpone the convention intil a later date was acted upon by Chair nan McAllister, who tonight issued the fo owing:

HEADQUARTERS OF THE NATIONAL EXECU HEADQUARTERS OF THE NATIONAL EXECUTIVE COMMITTEE ANTI-SIRIFREASURY ALLIANCE, WASHINGTON, D. C., Dec. 8, 1891.—To the Members of the Anti-Subtreasury Alliance: In obedience to urgent requests from many members of the Anti-Subtreasury alliance the national convention called to meat the matter of the Anti-Subtreasury alliance the national convention called to meat the Memphis, Tenn., December 15, is hereby postponed to a date which will be hereafter named.

Chairman of the Committee.

The reasons for this action were given by Mr. McAllister in an intergreew as he was taking the train tonight for his home in Can-ton, Miss. "When our call was issued," he said, "the supreme council had taken no ac tion on the third party question. Subse-quently it appointed twenty-live delegates to the third party conference, set for February 23 at St. Louis, Mo. Notwithstanding this action, the national alliance leaders are denying that it is their purpose to turn the sarmers alliance into a political party. The result of the St. Louis conference will deternine their real purpose in the premises ience the propriety of postponing our national convention.'

#### Pensio 's for Novem ber. Washington, D. C., Dec. 8 .- The statement prepared at the pension office shows that during the mouth of November last 22,258 pension claims of all classes were allowed upon which the first payments aggregated \$2,863,838. The average payment to each pensioner was therefore \$134.20. Of the

Democratic Committee Call WASHINGTON, D. C., Dec. 8.-The execu tive committee of the national democratic committee has decided to call a meeting of the national committee at Washington, January 21, to decide upon the time and place for holding the democratic national convention.

Consolation Prizes. WASHINGTON, D. C., Doc. 8 .- The demo cratic senators, at a caucus this morning, unanimously re-elected Senator Gorman chairman, and Senator Faulkner secretary of the caucus for the ensuing term of con-

Secretary Foster Better.

Foster is better this morning.

WASHINGTON, D. C., Dec. 8 .- becretary

Died from His Wounds.

# LAMBERTSON IN THE LEAD.

Nebraska's Citizen Favorably Regarded as Judge Cooley's Successor.

ANTHONY OF KANSAS A STRONG OPPONENT

Interesting Measures to Be Introduced in the Senate Today-Paddock's Pure Food Bill Again.

WASHINGTON BUREAU OF THE BEE, )

513 FOURTEENTH STREET. WASHINGTON, D. C., Dec. 8. There are strong indications that the presiient is wavering between Hon. G. M. Lambertson of Lincoln and ex-Senator Authory of Kansas, as successor to Judge Cooley on the Interstate Commerce commission. For weeks past the president has been besieged ty both Senators Paddock and Manderson in the interest of Mr. Lambertson, and has received in addition endorsements from all sections of the west. The argument has been made that Mr. Lambertson's career has been so thoroughly identified with anti-monopoly legislation that his selection would considered a direct assault upon

railroad interests of the west. In reply to these arguments, made on behalf of an opposing candidate. Mr. Lambertson has presented letters from many of the most prominent railroad men of the country stating, that while Mr. Lambertson has been constantly opposed to them in matters of reduction, he has evidenced such fairness and ability in the conduct of cases that they have no desire to interpose any objections to his selection for what is a judicial position, and which they consider eminently constituted to his judicial

mind. Senator Spooner of Wisconsin today for warded an urgent telegram to the president upon Mr. Lambertson's behalf, which was filed with those of prominent anti-monopoly eaders in Nebraska, and with the endorse ments of the two senators from that state.

Mr. Lambertson reached Washington today to appear before the supreme court in a prominent case in which he is interested. It is expected that a nomination will be made within the next two days.

#### Active Work in the Senate.

Tomorrow will probably witness in the senate the introduction of the usual flood of bills incident to the opening of the session. Senator Paddock has carefully revised his pure food bill for the prevention of adulteration in food products and will present it at the earliest possible moment and ask its ref erence to the committee on agriculture The prospects are that the measure will receive at this session a much better support than at the last, when it was handleapped in its passage by the unending debates upon the force and tariff bills and was in addition opposed by a large number of southern sena-tors in the interest of the cotton seed oil in-terests. Since that time Secretary Rusk, in his annual report, has strongly urged upon congress the passage of the measure and it will receive the best support from the Agricul tural department and from a large number of members who, since the successful operation of the meat inspection bill, have discovered that government provision in these products is essential to a successful extension of the

Senator Paddock will also introduce his general postoffice building bill, providing for the erection of postoffices in towns of a stated population. This measure has also received the endorsement of Postmaster General Warsamster who is his around report eral Wanamaker who, in his annual report, strongly urges upon congress the passage of

bill of this character. Senator Munderson will again present to congress his bill for a federal building at Norfolk, which, having parsed the senate the last session with an appropriation of \$150,000 was cut down by the house commitee to \$75,000 and gied upon the calendar. He is strongly hopeful of success at the pres-sent session. He will also urgo with his old time persistency his bill for a three-battal-ion organization of the army. This meas-ure, it will be remembered, after having passed the senate and amended in the hous by the addition of the artiflery bill, was de feated by the personal efforts of Inspector General Breckinridge, who insisted that further amendment, providing for an increase in the staff, must be added to the

measure before it could secure unanimous consent in the house of representatives. The last report of the secretary of war most strongly urged upon congress, as a public necessity, this change in the army organization of the infantry in order to make it conform to other branches of the service. Senator Manderson is hopeful that notwithstanding the advantage of the democrati majority in the house, and the avowed inter tion of representatives to pare down all ap propriations to the least possible limit, that this measure, so much needed by public interests and which will so greatly conserve the services, may receive favorable consid-

eration. Senator Manderson will also introduce a bill compelling district and circuit judges to commit to writing their instructions to juries. and a bill pensioning Mrs. General Henry A Morrow, widow of the last colonel of the Twenty-first infantry and commandant at Fort Sidney, Neb.

# Western Members Located.

Mr. Bryan of Lincoln was one of the for tunate first few drawn in the allotment of seats in the house today. He selected a seat n the most commanding part of the house, the fourth row of the first section of the democratic side, two seats from the main isle. Mr. kem was one of the last names drawn. He took a seat inidway of the ex-treme left section on the republican side. The name of Colonel Dave Henderson of Iowa was among the first drawn. He was importuned by members flocked in various parts of the house to join them but he de-clined and took a seat in the front row of a middle section on the re-publican side. Mr. Jolly, the new member from South Dakota, was modest and sat down in the first seat he came to, midway in the last row of the republican side. Mr. Pickler sits in next to the last row in a middie section on the republican side.

Jorry Simpson's name was called about midway of the list and he came forward and

#### ook the second scat from the center asle in the front row on the republican side. Mr. Speaker's Alleged Plans. The election of Speaker Crisp is immedi

ately followed by speculation as to the chair

manships of three committees whose work this session will frame the policy of the democratic party in the presidential campaign. namely, coinage, weights and measures, ways and means, and appropriations. Mr. Crisp's declaration that his elevation to the peakership would "not impede the cause of ariff reform" is at first blush taken to mean that he intends to offer the ways and means chairmanship to Mr. Mills. Such an ap-pointment, unless the rest of the committee were so formed as to tie the the hands of the chairman, would appear to be in effect a reversal of the decision of the house in choosing Crisp and free silver rather than Mills and free trude. For chair-man of the coinage committee the name of Mr. Bland of Missouri would naturally sug-gest itself were it not for the fact that he voted persistently for Mr. Mills for speaker. Mr. Crisp, however, cannot well afford to adding in too much retaliation. For the appropriation chairmanship the gossips have already selected either Mr. Holman for the sake of demagogy contrast with the so-called "Billion dollar congress" or Mr. McMillin of Tennessee, McMillin is much the best fitted for the place. It is because the same of the same o lieved that nearly all the more importan chairmansh.ps will go to the castern south whence Mr. Crisp's support principally came

be submissively honored. BIRMINGHAM, Ala., Dec. 8.-The dead body

# of Ed Young, the illicit distiller who shot and killed Deputy Marshal Osborne in Marion county several weeks ago, was found Sunglin the woods near the Mississippi state 1/ Young was wounded as he fled by the promit Osborne. He seems to have been ocome by his hurts and fallen down it woods by himself to die.

GRAYES MURDER CASE.

#### Stevens Opens for the Presecut What He Will Try to Prove.

DENVER, Colo., Dec. 8 .- The trial Braves, charged with the murder o Barnaby, was resumed today. Judge arrived in court this morning promptly . . 10 o'clock, after a forced absence of four days with the grippe. He was very pale and his face bore signs of suffering. When he took his seat and ordered the court convened the room outside the railing was crowded to sufficiation with several hundred people, anxious to know the story of the prosecution in this important case. Inside the railing sat Mr. Graves with his attorneys and friends upon one side, while on the other sat Mr. John Conrad, the sen-in-law of Mrs. Barnaby, Mrs. Barnaby's two daughters and several friends of the prosecution, among whom were the Worrels, upon whom it is thought the defense will attempt to fasten

the crime.

Before the district attorney arose to de liver his opening address to the jury Judge Macon, for the defeuse, moved that all witnesses on both sides be excluded from the court room during the taking of the testi-mony. Judge Beiford opposed the motion and Judge Rising stated he would entertain the motion if Judge Macon would be more explicit.

Judge Macon took one exception after which Mr. Stevens began his speech. He reviewed the case at some length and said he had evidence to prove that the bottle containing poison sent to Mrs. Barnaby was from Dr. Graves and that he would show that Graves was the only person in the world who had any motive for the destruction of Mrs. Barnaby.

#### WEATHER FORECAST,

OFFICE OF WEATHER BUREAU, OMAHA, Dec. 8.

The coldest weather continues in the southwest, but temperature generally rose yesterday and today will probably make a more declared rise. Fair weather continues over all the western and northwestern districts, except western Montana and the north Pacific Slope, where rain has set in. The parometer remains low over western British America and in the upper Missouri valley. It is highest over the Gulf of Mexico. Southwesterly winds predominated.

For Omaha and vicinity—Fair and warmer weather; continued southerly winds today. Tomorrow promises to be fair but storm hreatening. Washington, D. C., Dec. 8.—For Missouri

-- Warmer, fair; southwest winds. For Kansas--Fair; warmer in east; sta-tlonary temperature in western portion; outhwest winds. For Nebraska-Generally fair; west winds;

warmer in southeast; stationary temperature in northwest portion.

For Iowa-Generally fair; west winds warmer, except in extreme northwest por-tions; stationary temperature. For North Dakota—Generally fair; west winds; colder by Thursday morning. For Colorado—Local rains; variable winds; colder by Thursday morning.

#### For South Dakota-Same as North Dakota. HIRAM SAWFELLE'S HEAD.

His Murderous Brother's Efforts to Escape the Hangman. CONCORD, N. H., Dec. 8.-The hearing in the Sawtelle case was resumed today, and testimony looking to establishing the location of the crime was taken both for and against the prisoner. Considerable com-ment is caused by the fact that the skull, supposed to be that of Hiram Sawtelle, had, when found, no teeth whatever in the upper jaw, and but six front teeth in the lower one. Mrs. Sawtelle stated in Boston today that her husband had several teeth in the upper jaw, and that those in the lower jaw were very good and regular. The government, it is said, is not inclined to admit that the head is that of Hiram Sawtelle, until good and sufficient evidence is offered on that point. Mrs. Sawtelle is on

#### her way here to give testimony. AFTER THE FIRM.

Summons Served on Edward

Field and H's Partners WHITE PLAINS, N. Y., Dec. 8.—Robert E. Dietz of New York City today placed in the hands of Sheriff Shirmer of Westchester county, a summons and complaint to be served on Edward M. Field, David A. Lindiey, John F. Weichers and Herman Hilmers, the defunct firm of Wail street brokers. The complainant claims that on the 18th day of June, 1891, the plaintiff obtained \$100,000 from the firm, for which he deposited with the defendant certain stocks as collateral security for the loan, which was to be paid on the 18th of December, 1891. The plaintiff claims that the firm never demanded of nim to take up the securities, but appropriated these to their own use, and wrongfully and fraudulently converted the same into money, and applied the proceeds to their own use.

# Business Troubles.

FORT WORTH, Tex. Dec. 8.-E. Bauman has filed a deed of trust conveying his two stores in Dailas and Fort Worth to secure his creditors to the amount of \$197,000. The amount of assets and habilities is unknown London, Dec. 3.—The private banking firm of Bawtree, Dawnay & Curseon of Colchester uspended today. They expect to pay their fabilities in full.

London, Dec. 8.— The private banking firm of Bawtree, Dawnay & Curseon of Col-chester suspended today. They expect to pay their liabilities in full. Bawtree, Dawnay & Curseon sunounce that they will reoper tomorrow. They have issued a circular in which they say that they have realized or locked up securities and have made arrange-ments with other banks enabling them to eash bank notes and advance fifteen shilling on the pound on current credit accounts. They will call a meeting of their creditors hortly, when they hope to submit a satisfactory scheme of settlement.

#### Death Roll. NEW ORLEANS, La., Dec. 8.-Bishop

Gallagher of Episcopal diocese of Louisiana died last night of heart disease, aged 52. Puento, Colo., Dec. 8. - Dr. A. C. Bachaman, a celebrated Philadelphia physician, who came specially to treat State Treasurer Carlisle for heart disease, died suddenly this morning of pneumonia. The remains will be shipped Friday.

Cutago, Ill., Dec. 8.—Professor Zwing-lius Grover, viteran principal of the Dearborn seminary, died at that institution this

born seminary, died at the total that an amorning of heart trouble, aged 79. He was born in Massachusetts in 1812; graduated from Brown university in 1842; came to Chicago in 1857, since which time be has been principal of the Dearborn seminary. Treaty Concluded WASHINGTON, D. C., Dec. 8 .- While it is mpossible to obtain an official acknowledgment to that effect, it is known that a com mercial convention under the reciprocity clause of the McKinley act has been practi cally concluded between Germany United States, and that the president will soon issue a proclamation announcing the

#### can cereals imported into Germany from 5 to 3 marks. Steamer Arrivals.

fact. The convention contemplates the free importation of German sugar into the United States and the reduction of duty on Ameri-

At Boston - Pavonia, from Liverpool.
At Queenstown - Bothnia, from New York.
At Miville - Furnessia. from New York.
At London - Sighted, Majestic, Chicago,
Spaardam, from New York.
At Bremerhaven - Ems. from New York.
At Southamptou - Havel, from New York.
At New York - Rhaetia, from Hamburg;
Amsterdam, from Rotterdam. New England and the northwest will receive but a meager share of the spoils, but impera-tive demands of Tammany in New York will

Amsterdam, from Rotterdam.

# HE IS RATHER ENTERPRISING

German Minister Gutschmidt Tries to Capture Chili for Himself.

INTRIGUED WITH ROMANCER THOMPSON.

Combination of Irresponsible Correspondent and Unscrupulous Diplomat to Embrod All Nations Over the Chilian Question.

[Copyrigh ed 1891 by James Gordon Bennett.] Valvanatso, Chili (via Galveston, Tex.), Dec. 8 .- By Mexican Cable to the New York Herald-Special to THE BEE. |-General Velasquez, who was minister of war under the Balmaceda regime, and who, upon the fall of Valparaiso, sought temporary refuge in the German legation, left that asylum some time ago and has since been in hiding. He surrendered himself to the military tribunal today, after having received guarantees from Intendente Lira of Santiago that he would be dealt with fairly.

It transpires that British Minister Konnedy was not aware of the shipment of silver by Balmaceda on board of the British vessel Espiegle until after she had sailed from Talcahuano.

What the German Minister Wanted. Herr Gutschmidt, the German minister, it would seem had entered into an intrigue with Thompson, the correspondent of the London Times, whereby the latter was to use his paper as a catspaw to stir up illfeeling through misrepresentation of the United States and its representatives here. This combination between Gutschmidt and Thompson partly accounts for the former's conduct, exposed in the Herald at the time, in demanding that the Balmacedist refugees award the German warship, Leipsig, should be surrendered to their enemies, although the German admiral had given the refugees his promise of protection. Gutschmidt's plan miscarried, for the admiral appealed to his government, which sustained his action in refusing to comply with the German minister's inhuman demand.

Trying to Down England. It also appears that Gutschmidt was striving to give Germany an ascendancy over England in Chili, so he got Thompson to insmuate that Minister Kennedy had himself made the arrangements for the shipment of the silver on the Espiegle. Thereupon Thompson put forth the claim that certain persons in Santiago-names of course not given -had informed him that they had discovered documents inculpating Minister Egan in nitrate matters.

I am reliably informed that Minister Gutschmidt endeavored through Thompson to prejudice the Chilian government against the English in order to obtain concessions for German residents here in the way of trade. It is an open secret that for some time past the Germans in Chili have been trying to drive out the British merchants. I have received indisputable information that Thompson has offered to press a claim against the Chilian government for a concern here, boasting that his great influence with the authorities would carry through his suit. His action in stirring up strife between the French and Americans through the Times is saverely condemned by the nat-

Britain who are residing in Chili. The Spanish minister, Ordonez, has presented claims for \$3,000,000 damages to the Chilian government for the destruction of property of Spanish residents during the late

#### Naval Experts Wrangling. gridited 1891 by James Gordon Bennett.

London, Dec. 8.-[New York Herald Cable -Special to The Bre. |- English naval officers are indulging in a gigantic crow at the expense of the United States over the report that the cruiser Philadelphia is liable to capsize owing to her immense top hamper. Several are busity engaged in preparing articles for service papers, pointing out mistakes made by Americans in constructing the Philadelphia, which they claim is a complete vin-dication of English plans and workmanship. They point to the fact that the Baltimore They point to the fact that the Dathmore, which was built on the original designs, was a complete success, and that the Philadelphia was spell owing to the improvements added by Americans. They refrain, however, from mentioning the gross and ridiculously bungling ships of their own build, such as, for instance, the Suitan, which carries a bottom full of cement.

Arranging for from Pedro's Funeral. Paris, Dec. S .- The Countess d'Eu has decided that all Brazilian residents, who so desire, shall be allowed to hold cords of the pail in the funeral procession on Thursday.

Dom Pedro's body was removed to the church of St. Madeleine today. The inner coffin is lined with white satin; the outer covering with black, dotted with silver stars. A panel of glass in the lid allows the face to be seen. The inscription on the could plate is in Latic, and it is a tribute to the deceased as ruler and savant. An immense canopy lined with silver hangs from the church roof and the walls are draped with crape.

# Becoming Critical.

Rio de Janeiro. Dec. 8.-The situation in the state of Rio Janeiro is becoming critical. The opposing parties are arming themselves. Governor Portello holds Nictheroy. The insurgents have established a provisional government and have selected Parahoyo as their capital. They are organizing for an attack on Nictheroy. The government is apathetic. The report of the failure of an important railway company will be ancounced tomorrow.

Russian Robbers. St. Peterssung, Dec. 8 .- A dispatch from Viadivostock says that thieves have robbed the government treasury there of \$250,000. The thieres entered and escaped from the treasury by means of an underground pas-

Switzerland's President Resigns. BERNE, Dec. 8 .- Dr. Welti, president of Switzerland, has resigned because the majority of the electors voted against the gov-ernment's purchase of the Swiss Central railroad department.

Fifty Bodies Recovered. Paris, Dec. 8 .- Fifty bodies have been recovered from the St. Etlenna mine, where

# Western Patents.

WASHINGTON, D. C., Dec. 8. - | Special Tele gram to The Bee. | The following list of patents granted is reported by Taz Baz and Examiner Bureau of Claums: Joseph O. Drennen, Des Moines, Ia., flue

cleaner; Michael J. Faney, Fort Madison, Ia., stove pipe thimple: Nicholas W. Gales, Ia., stove pipe thimble: Nicholas W. Gales, Colo, Ia., milk scalder; Lennie A. H. Greneile, Hampton, Ia., window curtain and veil holder; James A. Hinson, assignor to Hinson Car Coupler company, Des Moines, Ia., car coupling; Miles K. Lewis, Hastings, Neb., corn harvester; Robert S. Moore, Bradshaw, Neb., lawn sprinkler; Clarence B. Paul, Whittenore, Ia., apparatus for warming bous; Gustavus J. States and G. E. Hall, Lincoln, Neb., elevator and stacker; Jefferson Tollefsen, Stansberry, Ia., poccet knife; John W. Zietlow, assignor of one-half to F. A. Burdusk, Aberdeen, S. D., protector F. A. Burdick, Aberdeen, S. D., protector